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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/117,219	01/13/1999	CHARLES S. PALM	80802	3437

27975 7590 07/25/2005

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EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/117,219

Applicant(s)

PALM ET AL.

Examiner

Wesner Sajous

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Remark

This communication is responsive to the amendment filed on April 14, 2005.

Claims 2-10 are presented for examination.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2-10, the limitation "wireframe **can be** viewed..." is indefinite, because such a phrase "**can be**" raise uncertainties as to whether or not the system in the claim actually performs the task it says it can perform. Thus, amendments to the claims are required.

Further, claim 1 the limitation "positioning of the neutral plane" renders the claim indefinite because the phrase "neutral plane" is not define in the claim, nor does the Applicant makes clear in the claim/specification or drawing description what is being encompassed by a "neutral plane". Clarification is required.

For examination purpose, the phrase "neutral plane" is interpreted as the movement of the display plane relative to the user's viewpoint when the viewer selects a controller on the display).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Teigh et al. (US Pat. 5555366).

Considering claim 2, Teigh, at figs. 2 and 12, discloses a computer system comprises a processor (12), a memory (16) and a stereo viewer (i.e., a displayed entity) loaded in a memory (87, see fig. 12 and col. 8, lines 4-9 and col. 9, lines 24-36), wherein the stereo viewer includes a graphical user interface (see fig. 3) including a viewing window (39 or 41) in which wireframes (50 or 79, fig. 9A or 10A) are viewed (see col. 10, lines 11-32) and a plurality of controls (28-38, particularly, items 35-37) for manipulating a view of a wireframe (see figs. 28 (A-E) and col. 10, lines 15-65 and col. 16, line 29 through col. 27, line 51); a controller (e.g., either of arrows 36 or 38 of fig. 3)

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to positioning or adjusting the neutral plane of a stereo image (see col. 9, line 65 to col. 10, line 5, wherein the neutral plane corresponds to the movement of the display plane relative to the user's viewpoint when the viewer selects a controller on the display).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teigh in view of McCutchen (US 6141034).

Regarding claim 3, Teigh, at figs. 2 and 12, discloses a computer system comprises a processor (12), a memory (16) and a stereo viewer (i.e., a displayed entity) loaded in a memory (87, see fig. 12 and col. 8, lines 4-9 and col. 9, lines 24-36), wherein the stereo viewer includes a graphical user interface (see fig. 3) including a viewing window (39 or 41) in which wireframes (50 or 79, fig. 9A or 10A) are viewed (see col. 10, lines 11-32) and a plurality of controls (28-38, particularly, items 35-37) for manipulating a view of a wireframe (see figs. 28 (A-E) and col. 10, lines 15-65 and col. 16, line 29 through col. 27, line 51); a controller (e.g., either of arrows 36 or 38 of fig. 3) to positioning or adjusting the neutral plane of a stereo image (see col. 9, line 65 to col. 10, line 5, wherein the neutral plane corresponds to the movement of the display plane relative to the user's viewpoint when the viewer selects a controller on the display).

Although Teigh discloses substantial features of the invention, Teigh fails to teach adjusting camera offset ... for providing left and right image views.

McCutchen in a similar art teaches adjusting camera offset between points acting as cameras for providing left and right image views of an image. See col. 38, lines 56-67, col. 53, lines 31-49, col. 54, lines 22-35, and col. 56, lines 49-54.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Teigh to include the camera offset suggested by McCutchen, so as to allow the production of stereoscopically offset views of images. See McCutchen's col. 38, lines 56-58.

Re claim 4, the claimed "one or more controls for animating a wireframe" is met by fig. 3, items 35-37 In Teigh.

### ***Allowable Subject Matter***

7. Claims 5-10 would be allowable if they overcome the 112 problem set forth in this action, because the prior art of record fail to teach that the controls include one or more controls for selecting display of a wireframe either unrendered or rendered with one of a bit mapped texture from an image used to create the wireframe or a selected surface texture.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-

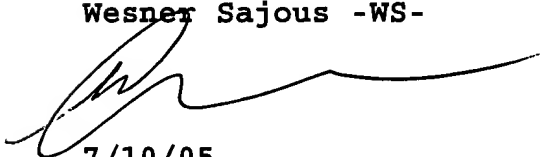
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7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous -WS-



7/10/05